

REMARKS

Entry of the foregoing amendments, and reexamination and reconsideration of the subject application, pursuant to and consistent with 37 C.F.R. § 1.104 and § 1.112, and in light of the following remarks, are respectfully requested.

Amendment

The specification has been amended to update the status of the priority application in the "Related Applications" section by specifying the patent number.

Obviousness-type Double Patenting

To overcome this rejection, which is believed to be based on US 6,683,069, rather the US 6,683,091 as stated in the rejection, a terminal disclaimer is submitted herewith.

Rejection under 35 U.S.C. §102

The rejection of the claims (presumably all) over US 6,683,069, is respectfully traversed.

This application is a continuation of the '069 patent, and accordingly has as its effective filing date the same effective filing date as the '069 patent. 35 U.S.C. §120; MPEP 706.02(V)(a). Further, as a continuation, a copy of the prior inventors' declaration was submitted to comply with 37 C.F.R. §1.63(d), and so the inventive entities are identical. Therefore, the '069 patent does not describe the claimed invention with an earlier date, nor by "another," and so no portion of 35 U.S.C. §102 is applicable. Accordingly, this rejection should now be withdrawn.